EXHIBIT A

Robert P. Kinross   December 2, 2009

Page 1

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

RICHMOND DIVISION

- - - - - - - - - - - - - - - -+

ePLUS, INC.,   : Civil Action

    Plaintiff,   : No. 3:09cv620

v.   :

LAWSON SOFTWARE, INC.   :

    Defendant.   :

- - - - - - - - - - - - - - - -+

Videotaped Deposition of ROBERT P. KINROSS

Washington, DC

Wednesday, December 2, 2009

11:03 a.m.

Job No.: 22-169719

Pages 1 - 212

Reported by: Katy M. Zamora, RPR

Merrill Legal Solutions

Tel: (312) 386-2000   (800) 868-0061

Robert P. Kinross   December 2, 2009

Page 130

1 Q. Do you know one way or the other?
2 A. No, I don't.
3 Q. That super indexing isn't described anywhere
4 in your patents, right?
5 A. No.
6 Q. Why isn't that described in the patents?
7 A. Well, it was part of Technical Viewer and
8 Technical Viewer was mentioned as what we were using as
9 a search engine. So under the umbrella of describing
10 Technical Viewer, we didn't describe every feature or
11 function of Technical Viewer. We let IBM provide that
12 information.
13 Q. When you say you let IBM provide that
14 information, what do you mean?
15 A. By referencing the documents in the patent.
16 Q. Those -- you're talking about referencing the
17 IBM Technical Viewer/2 documents?
18 A. Yes.
19 Q. Those documents though, the one we just
20 looked at, for example, was from 1991. They don't talk
21 about the super indexing, do they?
22 A. They don't talk about a lot of things that
23 were in Technical Viewer, that's right.
24 Q. The super indexing, was that done
25 specifically for Fisher Scientific, or was IBM adding

Page 131

1 that to their Technical Viewer/2 product anyway?
2 A. My understanding of the Technical Viewer
3 development was once it was added to the product it
4 became part of the product. Fisher paid for
5 enhancements to the Technical Viewer product, which
6 also became part of the product, so they would
7 basically be enhancing the product at that time.
8 Q. So your understanding is this feature was
9 added to the Technical Viewer/2 product, it was
10 available to others?
11 A. Yes.
12 Q. Is it your understanding that IBM came up
13 with the idea of using the super index?
14 A. I was aware of the super index. I don't know
15 what time frame I was aware of that.
16 Q. But regardless of when you became aware of
17 it, is it your understanding that the IBM people
18 actually came up with the idea of using a super index?
19 A. Yes.
20 Q. Did Fisher have any role in developing the
21 means of communicating between the TV/2 system and the
22 RIMS system?
23 A. Yes.
24 Q. What was Fisher's role in that?
25 A. Selecting the interface in terms of what

Page 132

1 technique would be used was a role of Fisher and also
2 documenting the interface, the technical specifications
3 for the interface.
4 Q. Did Fisher have any other role in the
5 development of the interface between TV/2 and RIMS?
6 A. Yes.
7 Q. What else?
8 A. Developing the RIMS side of the Technical
9 Viewer interface.
10 Q. Did Fisher have any other role in that
11 interface development?
12 A. The testing of the interface and the
13 acceptance of the interface.
14 Q. And is it true that all of the inventors
15 listed on your patents were all working for Fisher at
16 the time this was developed?
17 A. Yes.
18 Q. So you understood when I was asking about
19 Fisher's role I was asking about the role of those four
20 people including yourself and anybody else at Fisher as
21 well?
22 A. I'm not understanding the role of anybody
23 else at Fisher. Like the people who work for us, for
24 instance?
25 Q. So when you were answering the question about

Page 133

1 Fisher's role in the interface, which people at Fisher
2 did you have in mind as doing the things you listed for
3 me?
4 A. Myself and Jim Johnson and his group.
5 Q. Who was in Jim Johnson's group or who was at
6 the time?
7 A. He had a number of people working for him,
8 Mark Mullen was probably the most senior person that I
9 recall.
10 Q. So with respect to the role that you
11 described here, I think the first thing you mentioned
12 was that Fisher was involved in selecting the interface
13 technique; is that accurate?
14 A. Yes.
15 Q. What technique did Fisher select?
16 A. We selected the dynamic data exchange
17 technique.
18 Q. What other options were available to you?
19 A. The other options available were using a
20 database to effect data transfer and the use of sockets
21 to effect a data transfer.
22 Q. Can you tell me generally how dynamic data
23 interchange works or exchange works?
24 A. Dynamic data exchange uses a shared memory
25 block in the operating system to place data into the

34 (Pages 130 to 133)

3e02d9e4-dbeb-4f57-9243-b26ce929dda6

Robert P. Kinross   December 2, 2009

Page 134

1 area to make it available to other programs running on
2 the same operating system.
3   Q. So here when you say shared memory, it would
4 be shared between the RIMS system and the TV/2 system?
5   A. Yes.
6   Q. Was using that dynamic data exchange
7 technique a known technique for interfacing two
8 applications that were on the same operating system at
9 the time?
10   A. Yes.
11   Q. Was it -- was it conventional wisdom that
12 that was the best way for two systems on the same
13 operating system to interface?
14   MS. ALBERT: Object to the form. Calls for
15 legal conclusion.
16   A. I don't know about conventional wisdom, I
17 know that Fisher viewed it as the preferred method.
18 BY MR. McDONALD:
19   Q. Why was it preferred at the time?
20   A. It would be faster and more efficient.
21   Q. It was faster and more efficient than the
22 database method or the sockets method?
23   A. Yes.
24   Q. And that was your understanding at the time?
25   A. Yes.

Page 135

1   Q. What was the basis for that understanding?
2   A. Just describing how they worked and how they
3 fit into the PC architecture seemed like that method
4 would be the most efficient.
5   Q. Can you tell me generally how sockets would
6 work to interface the two programs?
7   A. Sockets were primarily a units method of
8 effecting data transfer by, they called them listeners
9 for sockets. And it was -- it was more from the UNIX
10 world basically. It did exist in PCs and OS2 at the
11 time, it just didn't seem to be as a direct method.
12 Seemed like it would be more overhead.
13   Q. UNIX is an alternative operating system to
14 the OS2 system, correct?
15   A. Yes.
16   Q. And you were operating RIMS on the OS2
17 already, right?
18   A. Yes.
19   Q. And TV/2 was designed for the OS2 as well?
20   A. Correct.
21   Q. So from that standpoint the data dynamic
22 exchange was that a technique before you made your
23 invention here that was used for interfacing
24 applications on OS2?
25   A. I don't know. I mean, it was interfacing PC

Page 136

1 applications, OS2 being a PC application or operating
2 system. Yes, that was my understanding that work on a
3 PC using OS2 or Windows.
4   Q. Dynamic data exchange was the preferred
5 method of interfacing if you're on a PC using OS2 or
6 Windows?
7   A. Yes.
8   MS. ALBERT: Object to the form.
9 BY MR. McDONALD:
10   Q. Yes?
11   A. Yes.
12   Q. And can you tell me generally how the
13 database technique for transfer would work or worked at
14 the time you were making this decision?
15   A. Well, you would put the data that you wanted
16 to transfer into a database and then have basically the
17 application consult the database to see if anything new
18 was available.
19   Q. So how was that database different from a
20 memory block used in the dynamic data exchange method?
21   A. Essentially they're both transferring data.
22 You know, the efficiency would be you're not using the
23 overhead of a database and just storing it directly in
24 memory. You're going through less level -- less levels
25 of overhead.

Page 137

1   Q. So what does a database have that would
2 increase the overhead that a memory block by itself
3 would not have?
4   A. Oh, going through the overhead of, A, opening
5 the database, reading a record from the database,
6 updating the database, rewriting it.
7   Q. So those are all things that would make the
8 database approach less efficient than dynamic data
9 exchange?
10   A. Less efficient, correct.
11   Q. Was there any dispute as to whether or not
12 dynamic data exchange would be the preferred interface
13 between RIMS and TV/2?
14   A. No.
15   Q. The second thing you said was Fisher's role
16 in developing the interface was documenting the
17 interface through technical specifications; did I get
18 that right?
19   A. Yes.
20   Q. Is that technical specification, is that a
21 document that no longer exists?
22   A. I haven't seen it.
23   Q. How long has it been since you've seen it,
24 more than ten years?
25   A. Yes.

35 (Pages 134 to 137)